



STATEMENT OF AT&T CONNECTICUT

Regarding Raised Senate Bill No. 1169 AN ACT CONCERNING ROAD CUTS Before the Committee on Energy and Technology March 17, 2011

Proposal:

Raised Senate Bill No. 1169 requires public service and other companies that cut a public highway in the course of repairs or installations to notify the public works department of the municipality in which the cut was made of any patches made to repair the cut. In addition, the bill would require the companies to be responsible for additional repairs for one year after that notice.

Comments:

AT&T suggests a modification to Raised Senate Bill No. 1169 to ensure that any repairs are in fact related to the cut made by a company and to provide a process to resolve any disputes.

Raised Senate Bill No. 1169 requires public service companies, municipal waterworks systems, and other entities that cut a public highway in the course of repairs or installation to provide notice to the public works department of the municipality of the following: (1) any temporary or permanent patches made to repair the cut; and (2) the name of the contractor, if any, used to make such patches.

Raised Senate Bill No. 1169 also provides that, for one year after such notice is received by the department, the notice provider and the contractor, if any, shall share responsibility for additional repairs as determined by such department.

This language is broad and could be construed to make companies responsible for any repairs, whether those repairs are related to the initial cut or patch or not. In addition, there is no process in place to ensure that companies are given notice of the repairs for which the department would hold them responsible, and no process by which companies could challenge such determination.

For these reasons, AT&T has proposed language that would clarify that any repairs must be reasonable related to the initial cut and patch and give both the department and the companies a way to resolve their disputes. This suggested language is attached.

Conclusion:

AT&T suggests a modification to Raised Senate Bill No. 1169.

Proposed Amendments to Raised Senate Bill No. 1169:

Line 1, after (*Effective October 1, 2011*), insert:

“(a)”

Line 19, before as determined, insert:

“as a result of the road cut or repair”

Line 19, after department., insert:

“Such department shall give the provider and contractor, if applicable, advance notice of a determination that such additional repairs are necessary as a result of the cut or repair, and give the provider and/or contractor an opportunity to make such repairs.”

New Line 20, insert:

“(b) If the department and the provider do not agree that such repairs are needed or are result of the noticed cut or repair or can not agree on the cost to make such repairs, either may apply to the superior court for the judicial district in which the public highway is located, for a determination that such repairs are needed and result of the road cut or repair, and of the cost, and such court, after causing notice of the pendency of such application to be given to the other party, shall appoint a state referee to make such determination. Such referee, having given at least ten days’ notice to the parties interested, of the time and place of the hearing, shall hear both parties, shall take such testimony as such referee may deem material and shall thereupon determine whether additional repairs are needed as a result of the road cut or repair, the amount of the cost to be borne by the provider and/or contractor, if any, and report such result to the court. If the report is accepted by the court, such determination shall, subject to right of appeal as in civil actions, be conclusive upon such parties.”